

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENISE BRUCE,	:	Case No.: 1:09cv637
	:	
Plaintiff,	:	Judge Spiegel
	:	
v.	:	
	:	
TOWNSHIP OF WEST CHESTER, OHIO,	:	RULE 26(f) REPORT OF THE
	:	PARTIES
Defendants.	:	

The parties, having met and conferred, have developed the following Joint Discovery Plan for this litigation:

1. The required disclosures under Fed.R.Civ.P. 26(a)(1) shall be made on or before **January 15, 2010**.
2. The required disclosures under Fed.R.Civ.P. 26(a)(2) shall be made as follows:
 - a. Primary experts to be used at trial on or before **March 5, 2010**. Any expert reports shall be due within 31 days of disclosure.
 - b. Responsive experts to be used at trial on or before **April 23, 2010**. Any expert reports shall be due within 31 days of disclosure.
3. Discovery will not be conducted in phases, and will be conducted on all issues raised in the pleadings in accordance with Rule 26 of the Federal Rules of Civil Procedure.
4. The parties agree that any electronically stored information ("ESI") produced in discovery may be disclosed either in hard copy or in an image format. When hard copies or image files are produced, the producing party will preserve the integrity of the ESI's contents. After initial production in hard copy or image format is complete, a party desiring ESI in native file format must demonstrate a need consistent with Fed. R. Civ. P. 26(b) for such production. In

the event that ESI is not reasonably accessible, the parties will work together to evaluate alternative means of production. No other changes in the limitations on discovery as imposed by Fed.R.Civ.P. 30 - 36 or local rule are anticipated. If either party determines in the course of discovery that modifications are needed, the parties will confer before bringing the matter to the Court's attention.

5. The parties agree that any privileged materials or attorney work product that are inadvertently disclosed will be immediately returned to the producing party if the materials appear on their face to be privileged or attorney work product or if notice of the inadvertent production is given within thirty days of production.

6. The parties anticipate that no orders pursuant to Fed.R.Civ.P. 16(c) will be necessary. A Protective Order regarding confidential information exchanged during discovery may be necessary and, if so, will be submitted to the Court for requested approval.

7. There is no summary adjudication under Fed. R. Civ. P. 12(b)(1) or 12(h)(3) pending.

8. Defendant anticipates filing a motion for summary judgment pursuant to Fed. R. Civ. P. 56, and will do so in accordance with the deadlines established by the Court. Plaintiff reserves the right to file a motion for summary judgment under Fed. R. Civ. P. 56 in accordance with the deadlines established by the Court.

9. The complaint contains a jury demand endorsed for all issues triable to a jury.

10. Pursuant to Fed.R.Civ.P. 16(b), the parties agree to the entry of the following schedule:

- a. The cut-off for joining other parties and for amending the pleadings shall be **January 8, 2009.**

- b. All discovery shall be completed on or before **September 17, 2010.**
- c. The deadline for filing all dispositive pretrial motions shall be
October 22, 2010
- d. A Proposed Joint Final Pretrial Order shall be filed no later than
January 21, 2011.
- e. Due to trial schedules and pre-existing commitments in other cases, the parties anticipate being ready for trial by **March 2011**, with the trial date to be scheduled by the Court.

11. The pre-trial disclosures required by Federal Rule of Civil Procedure 26(a)(3) shall be made pursuant to the Rule.

12. The parties unanimously consent to the jurisdiction of the Magistrate assigned to this matter.

Respectfully submitted,

s/s Marc D. Mezibov
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